

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Francisco Arcibal,

Plaintiff

v.

Barbara Schifalacqua, et al.,

Defendants

Case No.: 2:22-cv-01984-JAD-BNW

**Order Granting Plaintiff's Motion to  
Voluntarily Dismiss Action**

[ECF Nos. 4, 8, 15, 16]

Pro se plaintiff and High Desert State Prison inmate Francisco Arcibal filed this civil-rights action, alleging that his criminal conviction in state court denied him due process and equal protection. Because he applies to proceed *in forma pauperis*, the court screened his complaint, found it failed to state viable claims, and gave Arcibal leave to amend.<sup>1</sup> When Arcibal failed to file an amended complaint by the court's deadline, the magistrate judge recommended that this action be dismissed as abandoned and that Arcibal's motion for pauper status be denied as moot.<sup>2</sup> Accepting the deficiencies in his suit, Arcibal moves to dismiss it without prejudice, explaining that he intends to first exhaust his state-court avenues of relief.<sup>3</sup>

With good cause appearing, IT IS ORDERED that Arcibal's motion to dismiss [ECF No. 16] is **GRANTED. This action is dismissed without prejudice.**


IT IS FURTHER ORDERED that plaintiff's motion for a preliminary injunction and application to proceed *in forma pauperis* [ECF Nos. 4, 8] are **DENIED as moot**, and the magistrate judge's report and recommendation [ECF No. 15] is **rejected as moot.**

<sup>1</sup> ECF No. 6.

<sup>2</sup> ECF No. 15.

<sup>3</sup> ECF No. 16.

1 The Clerk of Court is directed to **CLOSE THIS CASE.**

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4 U.S. District Judge Jennifer A. Dorsey  
5 March 3, 2023  
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